



otherwise deficient Proofs of Claim, as set forth in Exhibit F to the Ferrara Affidavit, are APPROVED;

b. Rust is directed to distribute 100% of the available balance (after deducting estimated taxes and the costs of preparing appropriate final tax returns, as well as Rust's unpaid incurred and estimated fees and expenses in connection with the administration of the Settlement) of the Net Settlement Funds to the Authorized Claimants in proportion to their Recognized Claim amounts;

c. All of the distribution drafts shall bear the following notation: "CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT CASHED BY [DATE 90 DAYS AFTER ISSUE DATE]";

d. As set forth in the Court-approved Plan of Allocation, to the extent that any monies remain in the Escrow Account after the distribution, whether by reason of uncashed distributions or otherwise, such monies shall be:

i. Used for the payment of any unpaid costs or fees incurred in administering the Escrow Account for such re-distribution and then distributed to Class Members who have cashed their initial distribution checks and who would receive at least \$10.00 from such re-distribution; and

ii. If after six (6) months after such re-distribution any funds remain in the Escrow Account, the Court in its sole discretion shall designate the recipient(s) of any balance which still remains in the Net Settlement Fund, except that in no event shall any portion of the Net Settlement Fund be returned to Defendants;

2. The administration of the Settlement and the proposed distribution of the Net Settlement Fund comply with the terms of the Stipulation and the Plan of Allocation and,

therefore, order all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the Proofs of Claim submitted herein, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund, are released and discharged from any and all claims arising out of such involvement, and all Class Members, whether or not they received or are to receive payment from the Net Settlement Fund, are barred from making any further claims against the Net Settlement Fund or Lead Plaintiff, Lead Counsel, the Claims Administrator, the Escrow Agent or any other agent retained by Lead Plaintiff or Lead Counsel in connection with the administration of the Settlement beyond the amount allocated to such Class Members;

3. Destruction of paper copies of Proof of Claim forms one year after initial distribution of the Net Settlement Fund, and destruction of electronic copies of claim records three years after final distribution of the Net Settlement Fund are AUTHORIZED; and

4. Jurisdiction to consider any further applications concerning the administration of the Settlement, and such other and further relief as this Court deems appropriate, is RETAINED.

DATED: 8/31/09

  
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THE HONORABLE HAROLD BAER  
UNITED STATES DISTRICT JUDGE

